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PEACE
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Annual Conference of the Woman's
International League for Peace and
Freedom, Held in Washington, D. C.,
March 13th to 16th, 1923.

BY R. M. WHITNEY
Author of The Reds in America

Price Ten Cents

The Beckwith Press

NO. 299 MADISON AVE.

NEW YORK CITY

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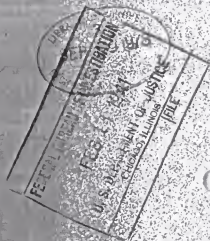
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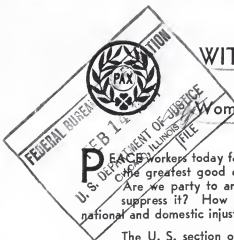
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HOW TO WORK FOR PEACE

* Women's International
League for Peace and Freedom

GIFFARD



The U. S. section of the Women's International League has adopted (October 1937) the following statement to reiterate its fundamental conviction:

"In this period of conflict and injustice the National Board of the Women's International League for Peace and Freedom reaffirms its belief that even flagrant injustice does not justify recourse to violence, inasmuch as the use of violence inevitably transforms those who employ it, and sows the seed of hatred, intolerance and oppression.

"The recognition of this principle imposes upon us all the urgent obligation:

- to be alert for cases of injustice;
- to seek for underlying causes; and
- to give active support to movements which make for social change through **PEACEFUL MEANS**."

* * *

An early statement, first issued in 1920, by the International Executive Committee of the Women's International League at Geneva is here repeated, since it always has been and still is the basis of our work:

"The League is made up of people who believe that we are not obliged to choose between violence and passive acceptance of unjust conditions for ourselves or others; who believe, on the contrary, that courage, determination, moral power, generous indignation, active good-will, can achieve their ends without violence.

"We believe that experience condemns force as a self-defeating weapon although men are still so disposed to turn to it in education, in dealing with crime, in effecting or preventing social changes, and above all in carrying out national policies.

"**WE BELIEVE THAT NEW METHODS, FREE FROM VIOLENCE, MUST BE WORKED OUT FOR ENDING ABUSES AND FOR UNDOING WRONGS, AS WELL AS FOR ACHIEVING POSITIVE ENDS.**"

* * *

WOMEN'S INTERNATIONAL LEAGUE for PEACE and FREEDOM

National Executive Office—1734 F Street N. W., Washington, D. C.
National Literature Department—1924 Chestnut Street, Phila., Pa.

~~X~~ ALL WOMEN AGAINST ALL WAR

The Women's International League for Peace and Freedom

Established in 1915. Now has 26 National Sections and members in 47 countries.

THE AIM

To unite women in all countries who are opposed to every kind of war, exploitation and oppression, and who work for universal disarmament and for the solution of conflicts by the recognition of human solidarity, by world co-operation, and by the establishment of social, political and economic justice for all, without distinction of sex, race, class or creed.

DUES

Minimum dues are insufficient to cover the expenses of the League. It is hoped that those who can will pay more.

THE WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM,
with National Headquarters at 1734 F Street N. W., Washington, D. C.
INVITES THE ACTIVE CO-OPERATION OF MEN AS WELL AS WOMEN

APPLICATION FOR MEMBERSHIP

I wish to join this International movement for Peace

Date

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W4 *5

Name Mr.
Mrs.
Miss

(Please print own and husband's name)

Address

- ☐ Annual Dues (State and National, including Local) \$1 to \$5 \$
- ☐ Subscription to "PAX" (Published by Geneva Office) \$1 \$
- ☐ Student (High School or College) or Labor Membership 25c \$
- ☐ International Dues — \$6 to \$10 \$
- (Includes State and National Membership and subscription to "Pax")
- ☐ Contribution \$

Will you do active work?

Make checks payable to Women's International League and send to
1734 F Street, N. W., Washington, D. C., or your local Treasurer

A38-10M-38

BOYCOTTS

?

X-1X 1965

W4 #6

The U. S. section of the Women's International League for Peace and Freedom, through its National Board, has decided against the use of private boycotts as a means of pressure on governments, primarily because of not wanting (a) to close the door to a friendly approach for mediation and (b) to stir up the emotion of Americans to a pitch where they could more easily be led, step by step, into war.



ANALYSIS OF ARGUMENTS FOR AND AGAINST PRIVATE BOYCOTTS

Since the outbreak of hostilities between China and Japan there has been widespread discussion in at least seventeen countries of private boycott against Japan as a method of bringing pressure on her to end the war. There has been formal action by numerous private organizations; labor, co-operatives, peace societies, women's organizations, and manufacturers' groups calling on their members to stop buying Japanese goods. This action has occurred in more than a dozen countries. The International Consultative Group does not wish at this time, to affirm the private boycott as desirable or undesirable. This outline will, therefore, be confined to a consideration of some of the complexities of the problem as a guide to clear thinking on the issue.

DEFINITION OF PRIVATE BOYCOTT

A private or popular boycott is the voluntary action of people in a given state to refuse to purchase goods originating in another state or that it is desired thus to bring pressure to effect public policy. (The present movement may also in some cases involve refusal to sell goods and services or to extend credit, but in general it is a consumer's boycott aimed at both raw materials and manufactured articles). A private boycott is distinct from an official boycott which arises from GOVERNMENT action either by individual governments or through collective government action. For the present, we are considering only the private boycott.

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* Seeing RED!

"If the American people cannot be trusted to examine national policies in the light of their possible bearing on the issue of peace and war, one must conclude that the people are incapable of governing themselves.

"In Germany and Italy the people are not considered capable of governing themselves, and decisions which may send men to death on the battlefield, rest with dictators. But this is America, where policies of government are supposed to represent the judgment of a majority of the people, deliberately arrived at after examination of all available facts. We cannot believe it is either wholesome or necessary to censor the discussion of such policies.

"When we stigmatize those of our citizens who invite us to consider means of keeping out of war, we encourage a condition perfectly adapted to the designs of the domestic jingo and the foreign propagandist."

The Galveston News, May 3, 1936.

~~WOMEN'S INTERNATIONAL LEAGUE
FOR PEACE AND FREEDOM~~

National Executive Office: 1734 F Street N. W.,
Washington, D. C.

~~NATIONAL LITERATURE DEPARTMENT~~
1924 Chestnut Street, Philadelphia

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PROGRAM

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"We believe that new methods, free from violence, must be worked out for ending abuses and for undoing wrongs, as well as for achieving positive ends."

—W. I. L. International
Executive Committee, 1920.

Women's International League for Peace & Freedom 1939



NATIONAL HEADQUARTERS

1734 F Street, N. W., Washington, D. C.

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PROGRAM

"We believe that new methods, free from violence, must be worked out for ending abuses and for undoing wrongs, as well as for achieving positive ends."

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Executive Committee, 1920.

Women's International League for Peace & Freedom

1939



NATIONAL HEADQUARTERS

1734 F Street, N. W., Washington, D. C.

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A
PERMANENT
SOLUTION



WOMEN'S INTERNATIONAL LEAGUE
FOR PEACE AND FREEDOM

NATIONAL EXECUTIVE OFFICE: 1734 F STREET, N.W., WASHINGTON, D. C.
NATIONAL LITERATURE DEPARTMENT: 1924 CHESTNUT STREET, PHILADELPHIA

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W. I. L. CARRIES ON

THE WOMEN'S INTERNATIONAL LEAGUE
FOR PEACE AND FREEDOM
FOUNDED IN 1915 BY JANE ADDAMS

We believe that new
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must be worked out for ending
abuses and for undoing
wrongs, as well as for achieving
positive ends.

International Executive
Committee, 1920

National Executive Office
1734 F Street N.W. Washington, D. C.

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DECEMBER, 1940

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X Peace

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AMERICAN ALTERNATIVES TO WAR

- I. Put into effective political action the public desire, as expressed by 93% of the people in the latest Gallup Poll, to stay out of war.
- II. Establish groups for sane study and discussion of objective information.
- III. Maintain democracy in the United States through the preservation of civil, political and religious rights guaranteed under the Constitution.
- IV. Share the burden of the world's suffering through refugee and relief aid.

WHAT YOU CAN DO

X Women's Int'l. Lg. for Pe & Freedom
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X-IX 1965
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"Information Please"

What is the attitude of the Women's International League on war now?

The same as when it was founded by women from many countries—both belligerents and non-belligerents—in the middle of the last war. War destroys people and property which should be used for public benefit. This war need never have been started if all concerned had used the same efforts and money for peaceful solutions as now are being sunk in destruction.

Does it make any difference to the peace groups whether the Germans or the Allies win?

Of course! We are accustomed to a free, democratic type of government, and the thought of anything else is abhorrent whether it is promoted by the Germans, Japanese, Russians, Italians, or any other nation believing in government by force. However, the elimination of Hitler will not of itself solve the problem. We are in the midst of a worldwide social disturbance and regardless of who wins this war there will be far-reaching changes and adjustments.

Is it not better to fight now on foreign soil rather than wait until the "enemy" comes over here and begins to destroy our homes?

The United States has nothing to fear from her neighbors north or south. The possibilities of invasion from across either the Atlantic or the Pacific oceans has been both ridiculed

and denied by military experts of the highest authority. To transport enough men, and equipment of the proper type across 3,000 miles of water is beyond the capacity of any "enemy". Moreover, both sides in the present war will be so exhausted physically and economically, that there will be little strength left for an invasion of this hemisphere.

Should not Christian and other religious groups aid the Allies now so as to assure a civilized world in the future?

It is useless to talk about "our future civilization" unless we are willing to start practicing it now. Two wrongs never make a right. The only way to restore any appreciation of religious principles, to prove that "religion works", is to call a halt on the campaigns of dreadfulness now being promoted to save "religion". By supporting war, religious groups and individuals are justifying all the practices which go with war—murder, intolerance, hate, lying, stealing—all the things which are contrary to the fundamental principles of all true religion and belief in a Divine Being. The argument that the end for which these practices are being carried out is "good" is exactly the same argument used by the Communists, Fascists, and Nazis in carrying out their ruthless practices.

Has not the time for conference passed?

Force may seem to conquer for a time but eventually there will need to be some re-planning and rebuilding for peaceful living. No dictator lives forever. No minority can eternally control an opposing majority. There

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X PEACE PRESSURE PRIMER

by

DOROTHY DETZER
National Executive Secretary

WOMEN'S INTERNATIONAL LEAGUE
FOR PEACE AND FREEDOM
1734 F Street, Northwest
Washington, D. C.

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I.C.R.C. COMMISSION OF GOVERNMENT EXPERTS

=====
Geneva

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April 14, 1947

SCHEDULEsuggested by the I.C.R.C. for the Organisation
of the Work of the Commission

- (1) The subjects for discussion are contained in three books, as follows:
- No 1 - Blue Book - "Wounded and Sick and related Provisions"
No 2 - Pink Book - "Prisoners of War"
No 3 - Green Book - "Civilians".
- (2) For the time-table of the Sessions, please refer to the programme which has been handed to each Member.
- (3) The Plenary Session is competent to deal with all matters under discussion. It will elect the Chairman and Officers. The I.C.R.C. will place at its disposal a General Secretary, M. Jean Duchosal. The Plenary Session will meet on Monday morning, April 14, and the four last days, from April 23 to 26, to study the reports of the Sub-Commissions and to discuss questions of common interest.
- (4) In view of the extensive ground to be covered, it will be necessary to nominate three Sub-Commissions, which will sit simultaneously, each to deal with the contents of one of the above-mentioned books.

The Sub-Commissions will appoint their own Chairmen and Officers, on commencing their work.

Each Sub-Commission will submit a report to the Plenary Session, giving a summary of their conclusions. These summary reports will be drafted daily during the sessions by a Drafting Committee, which should include the Officers of the Sub-Commission concerned.

I.C.R.C.

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Geneva

COMMISSION OF GOVERNMENT EXPERTS

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April 14, 1947

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REPORT ON THE WORK OF COMMISSION II.- Revision of the 1929 Geneva Convention for the relief of the Wounded and Sick of Armies in the Field.General Remarks1.- Application of the Convention to all cases of armed conflicts.

The following clause, for insertion into the Convention is adopted:

"The present Convention is applicable between the Contracting Parties from the time hostilities have actually broken out, even if no declaration of war has been made and whatever form armed intervention may take. The general humanitarian principles of the present Convention shall remain applicable in case of armed conflict within the frontiers of a State, unless one of the opposing parties expressly announces its intention to repudiate its obligations."

2.- Extension of the Convention to Civilian Wounded and Sick.

It is recognised as necessary that Civilian Wounded and Sick be protected in time of war according to the same humanitarian principles as wounded and sick members of the Forces. New provisions should be inserted on this matter in the special Convention envisaged for the general protection of Civilians.

Chapter I.- Wounded and Sick.ARTICLE 1

Members of the Forces and other persons officially attached to the armed forces (1) who are wounded or sick shall be respected in all circumstances; they shall be treated with humanity and cared

(1) The Commission, considering the advisability of more clearly defining the expression: "Members of armed forces and other persons officially attached to the armed forces", thought better to defer its decision until the Second Commission, which was dealing with the 1929 POW Convention, should have itself clarified this idea.



#19

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COMMISSION OF GOVERNMENT EXPERTS
FOR THE STUDY OF CONVENTIONS
FOR THE PROTECTION OF WAR VICTIMS



Geneva, April 14-26, 1947

Opening Address by M. Max Huber.

Honorary President of the International Committee of the Red Cross

1.- The International Committee of the Red Cross have invited me to submit to this Meeting a few remarks on the origin, aim and working methods of the Commission, whose sessions you are good enough to attend.

The International Committee, a private association which is entrusted with mandates of a public nature, applied to your Governments for their assistance in preparing drafts of revised or new Conventions, whose purpose it is to secure obedience to the rules of humanity in time of war. The Committee regard it as an honour and a privilege that their application has received a favourable reply, and hope that these preparatory discussions will usefully prepare the way for the meeting of a Diplomatic Conference, whose duty it will be to embody the principles of these drafts in treaty law.

This direct support granted by Governments to the International Committee is not without precedent. Such was already the case at the first meeting in Geneva of the year 1863, which was the starting-point of the whole world-wide Red Cross movement and laid the foundation of the first Geneva Convention, adopted by the Diplomatic Conference of the following year 1864. In connection with the work undertaken by the Committee between the two World Wars, Government experts and in particular representatives of the various Ministries of National Defence on several occasions cooperated with the International Committee, side by side with representatives of National Red Cross Societies.

The support of Governments is indeed essential, from the very outset of all preparatory work. The Draft Conventions, which the International Committee will prepare following this meeting, will be submitted to the Seventeenth International Red Cross Conference, due to meet in Stockholm in August 1949, and in which the Governments of States signatory to the Geneva Convention will

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Summary Report of the Legal Sub-Commission of the Second Commission, for the Study of the Part III, Section 5, Chap. 3. of the Convention (Art. 45 - 67).

=====

Members of the Sub-Commission:

Colonel Dillon, U.S.A., Chairman
M. Bellan, France
Mr. Phillimore, Great Britain
Dr. Mathon, Netherlands
Prof. Beck, I.C.R.C.
M. Wilhelm, I.C.R.C., Reporter.

Also attended:

Prof. Max Huber (Arts. 45 and 60), I.C.R.C.
Commander Mouton (Arts. 45 and 60), Netherlands.

Before opening the debate on Arts. 45 to 67, the Sub-Commission desired to express two recommendations:

- (a) The general lay-out of Chapter 3 should be revised and amended. This chapter should be in 3 Sections, the first to include general provisions applicable to all penal sanctions, the 2nd comprising all clauses relative to disciplinary punishment and escape, the 3rd dealing with judicial penalties. Each Section should be in simple language and the second and third Sections should be self-contained even at the cost of repetition.
- (b) The English translation of this chapter should also be revised and amended in several passages.

In this connection, the S-C recommended and will invite the plenary Commission to endorse this view - that the official text of the revised Convention be established in English and in French at least, and that the English text be worded so as to bear the same sense in all English speaking countries.

ARTICLE 45

The S-C quickly agreed upon the serious difficulty of creating a special penal code applicable to POW, and the necessity of upholding the basic principle embodied in this Art. (subsection of POW to the penal laws in force in the DP).

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COMMISSION IIREPORT OF THE SUB-COMMITTEEon Financial Questions arising in thePrisoners of War Convention

Attended : General BRYAN (U.S.A.)
Mr. GARDNER (Groat Britain)
M. SIMON (France)
Major BARBER (Canada) (at the beginning only)
M. de BONDELI (I.C.R.C.)

The Sub-Committee were unanimous in the following recommendations :

1. (a) The Detaining Power should pay all prisoners of war mentioned in Article 1 at the equivalent in the currency of the country in which detained at the following monthly rates:

Grade I below sergeants: 8 Swiss gold francs.

Grade II soldiers of the rank of sergeant and above and their equivalents: 12 Swiss gold francs.

Grade III army officers below the rank of major and their equivalents, including warrant officers who are treated as of officer status in their own forces: 50 Swiss gold francs.

Grade IV army majors, lieutenant-colonels and colonels and their equivalents: 60 Swiss gold francs.

Grade V general officers and their equivalents: 75 Swiss gold francs.

The French delegation reserves for the consideration of its Government the amounts set out in paragraph 1 (a). He agrees in the principle of payment in fixed money and according to the proportions in paragraph 1 (a).

- (b) Belligerents may, by mutual agreement, vary the amounts payable to particular ranks.
- (c) The Detaining Power shall accept from the government to which the prisoner belongs a supplementary sum for distribution to prisoners of that country in the hands of the Detaining Power, provided that the same amount is payable to every prisoner of the same rank.

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COMMISSION II

SUB-COMMISSION C.M.M.

DIRECT REPATRIATION AND ACCOMMODATION IN A NEUTRAL COUNTRY

After careful consideration the Sub-Committee wishes to make the following recommendations :

- I. The details regarding the appointment, duties and procedure of MMC's to be removed from the existing articles and incorporated in a special annex (copy attached)

II. ARTICLE 68

Paragraphe 1.

The existing text to be retained.

Paragraph 2.

To be deleted and the following to be substituted :

"There shall be repatriated directly: (1) Sick and wounded who according to medical opinion, are not likely to recover in one year, their condition requiring treatment and their mental or physical fitness appearing to have suffered considerable diminution, (2) Incurable sick and wounded whose mental or physical fitness appears to have suffered considerable diminution.

There may be hospitalized in a neutral country sick and wounded whose cure within a period of one year is to be expected, such cure appearing more certain and more rapid if the sick and wounded are given the benefit of the resources offered by the neutral country; and prisoners of war whose mental or physical health appears, according to medical opinion, to be seriously menaced by continuance in captivity.

While belligerents shall be free, if they so wish, to conclude special agreements to determine forms of disablement and sickness requiring direct repatriation or accommodation in a neutral country, the normal method by which such matters shall be decided shall be on the basis of the Model Draft Agreement annexed to the present Convention.

The American delegate desired to make hospitalization of specified categories in a neutral country obligatory but the other members of the Sub-Committee held the view that no obligation could be imposed on a neutral. Furthermore practical considerations, such as financial arrangements, might make it impossible for belligerents to carry out such an obligation.

COMMISSION IISUB-COMMISSION C.M.M.DIRECT REPATRIATION AND ACCOMMODATION IN A NEUTRAL COUNTRY

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The existing text to be retained.

Paragraph 2.

To be deleted and the following to be substituted :

"There shall be repatriated directly: (1) Sick and wounded who according to medical opinion, are not likely to recover in one year, their condition requiring treatment and their mental or physical fitness appearing to have suffered considerable diminution. (2) Incurable sick and wounded whose mental or physical fitness appears to have suffered considerable diminution.

There may be hospitalized in a neutral country sick and wounded whose cure within a period of one year is to be expected, such cure appearing more certain and more rapid if the sick and wounded are given the benefit of the resources offered by the neutral country; and prisoners of war whose mental or physical health appears, according to medical opinion, to be seriously menaced by continuance in captivity.

While belligerents shall be free, if they so wish, to conclude special agreements to determine forms of disablement and sickness requiring direct repatriation or accommodation in a neutral country, the normal method by which such matters shall be decided shall be on the basis of the Model Draft Agreement annexed to the present Convention.

The American delegate desired to make hospitalization of specified categories in a neutral country obligatory but the other members of the Sub-Committee held the view that no obligation could be imposed on a neutral. Furthermore practical considerations, such as financial arrangements, might make it impossible for belligerents to carry out such an obligation.



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18th. April 1947.

SECOND COMMISSION

#28

Memorandum for the debate on the first clause of

ARTICLE 82

Summary of the debates of the Session of Tuesday, April 15, on the question of the duration of the application of the Convention.

The Chairman began by proposing that a distinction should be drawn between the fundamental principles of the Convention which should be applied to every individual, from the time he falls into the hands of the enemy, and the detailed stipulations, which are more difficult of application and must be carried out as far as possible.

The following text was submitted -

- (1) "Any person falling into the hands of the Detaining Power shall, from that time onward until he is released, be treated according to the fundamental principles of the Convention;
- (2) "Every POW registered in a camp, shall from that time onward have the benefit of all the provisions of the Convention up to the time when he shall be given a new legal status (release, bilateral agreements)."

A further proposal was made to assemble in a General Part the Articles laying down general principles, and to embody all technical stipulations in Special Part.

The majority of the Commission were however of opinion that these two classes of stipulations should not be separated and advanced the following arguments :

- (1) Certain Powers might look upon the Special Part as optional;
- (2) It is preferable to have a single body of concrete stipulations which must all be equally respected, thus restricting the possibilities of arbitrary interpretation;
- (3) By making the end of the application of the Convention corollary to a change in the legal status of the POW, the danger is incurred of making POW liable to less favourable treatment (particularly when a Government in a weaker position is compelled to accept an unfavourable treaty)
The proposal of separation does not therefore appear to meet the Commissions' approval.

The following text, proposed in the ICRC Reports, was then laid before the Commission :

18th. April 1947.

SECOND COMMISSION

29

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COMMISSION IISUB-COMMISSION FOR THE STUDY
OF ARTS. 31 AND 32 OF THE CONVENTION

The following texts proposed for Articles 31 and 32 should be regarded as a guide for the benefit of the draftsman rather than as fixed texts. In the opinion of the Sub-Commission, art. 31 in particular presents a drafting problem which is as difficult as any in the Convention and the proposed text shall be made the subject of long and careful study.

The Sub-Commission agreed on the basic principles that the POW shall not be required to do work other than work of a type familiar to production in time of peace and that all work which might provide the Detaining Power with any weapon or military equipment for use against the compatriots of the POW should be forbidden.

ARTICLE 31

With the exception of work on the removal of mines, bombs or other similar munitions laid by themselves or by other members of the armed forces of their own country, prisoners of war may not be employed in particular in the manufacture, handling or transport of munition, gas, explosive or any other offensive substance. Nor may they be employed in the construction, handling or transport of any weapon of war or of equipment or material of an exclusively military character. They shall not be employed to deliver any material to combatant units or to depots from which material is distributed directly to such units nor may they be employed in such depots. They shall not be employed to construct or repair fortifications, installations or sites to be used for the conduct of active military operation.

Thus P.W. shall not be employed on work directly connected either with active military operations or with war production of an exclusively military character.

In the event of violation of the provisions of the preceding paragraphs POW are entitled to exercise their right of complaint in accordance with the provisions of Art. 42.

COMMISSION II

#31

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SECOND COMMISSION



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#32

Summary Report of the Final Session of the Commission

It was decided that this meeting should deal with the Reports of the Sub-Commission and the Report of the work of Commission II in full session.

1.- REPORT OF THE MEDICAL SUB-COMMISSION

The report was adopted by the Commission. Several Delegations, however, wished to reserve their opinion on the points given below, which were duly placed on record.

The New Zealand Delegate requested that it should be mentioned in Article 68, Section 2, that "prisoners of war shall not be repatriated against their will during hostilities."

The French Delegation made an important reservation with regard to the methods of repatriation and of accommodation in neutral countries. To this effect, they wished that the following practical methods should be included in Article 69 ;

- (a) - Prisoners of War may consult the retained doctor
- (b) - He may be accepted or refused
- (c) - If accepted, he will go before the doctor of the Detaining Power, who shall decide as to repatriation
- (d) - If refused, he will go before the doctor of the Detaining Power, who will decide as under (c)
- (e) - If refused by the doctor of the Detaining Power, the prisoner may, if he so desires, appeal to a Mixed Medical Commission.

With regard to Article 73, the Delegation would prefer that the term "crews of civilian aircraft" be replaced by "civilian air crews". The Delegation also considered that there should be mentioned the words "Power in whose armed forces the prisoners have served" with the addition of "their own Government". This in view of the fact that certain combatants do not necessarily serve in the armed forces of their own Government ; the same applies to certain merchant seamen and civilian air crews.

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#34

COMMISSION OF GOVERNMENT EXPERTS

Geneva, April 14 - 26, 1947

=====

CONVENTION FOR THE RELIEF
WOUNDED AND SICK OF ARMIES IN
THE FIELD

(RED CROSS CONVENTION)

=====

Proposals for revision thereof as recommended by the
Interdepartment Committee on Prisoners of WarWASHINGTON, D.C.

Additions are underscored; deletions are bracketed. In cases of substantial or extensive alteration the revision appears as an entirely new Article.

Document A.

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A 45 #35

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Geneva, April 14 - 26, 1947

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Document A.

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SECOND COMMISSIONList of documents composing the Report of the
Second Commission.

- (1) - Summary Report of the work of the Second Commission.
- (2) - Report of the Legal Sub-Commission. (Arts. 45 - 67)
- (3) - Report of the Sub-Commission on Financial Questions.
- (4) - Report of the Medical Sub-Commission.
- (5) - Report of the Sub-Commission on "Partisans".
- (6) - Report of the Sub-Commission for the Study of Articles 31 and 32.
- (7) - Report of the Final Session of the Second Commission.
- (8) - Annex to Article 6.
- (9) - List of commentaries, reservations, errors and additions.

N.B.- The list (No 9) of the reservations and commentaries, communicated or to be communicated to the Secretary, together with any errors or additions in connection with the accompanying Reports, will be handed to the Members of the Second Commission before the conclusion of the Conference.

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COMMISSION IIAnnex to Art. 6

List of Articles which
may be
Impounded

All effects and articles in personal use - Except arms horses, military equipment and military papers - shall remain in possession of prisoners of war, as well as their metal helmets and gas-masks.

Effects and articles used for clothing and eating shall also remain in their possession, even if such effects and articles are part of their official military equipment.

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The Belgian Delegation requested the record in the Report of the Second Commission - Page 9 - after the first paragraph ending with the words "means provided in Article 24" of the proposal accepted by the Commission, worded thus:

"Thus Commission accepts the proposal made by the Belgian Delegation that prisoners of war should be allowed pecuniary compensation when, for any reason, articles of value which have been confiscated are not given back to them."

The Belgian Delegation further tabled a new draft of Art.31 which was also endorsed by the British and American Delegations. The draft runs as folloes :

Article 31

"Work imposed on PW shall have no direct connection with the pursuit of active military operations nor with war production of an exclusively military character".

II.

Errata and Addenda

Summary Report of the Second Commission, Page o, insert :
after Staff Colonel Kornelis Metting van RIJN (Netherlands)
M. Michel ZULKOS (Poland)

Page 3, 4, Sec. 2 : read "provided that" instead of "in so far as"

Page 15, Sec.3, insert after "benefit of the POW" the sentence
"a special fund shall be set up for this purpose"

Page 27, Sec. 2, read "Ex quota", instead of "Quoto".

Page 27, Sec. 3, line 4, read "may", instead of "shall".



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47*(Amended text)*Memorandum submitted by the Norwegian Delegation

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In the opinion of the Norwegian Delegation there are in all fields covered by the now proposals, certain questions of a general nature which should not be dealt with separately and which should be subject to a general discussion.

Such questions are, for instance - the definition of the scope of the now Conventions, in particular the provisions concerning Civil War and Partisan activities.

II.

In the excellent and very thorough documentation prepared by the International Committee of the Red Cross, the question of civil war is particularly dealt with in the 1st. Volume concerning the Geneva Convention for the treatment of the wounded and sick. On Page 2 of this volume is quoted the text proposed by the Preliminary Conference of National Red Cross Societies of 1946, stipulating that in case of an armed conflict within a State, the Convention is to be applied by the two parties in conflict, unless one of the parties concerned specially refuses to apply it.

However, the same question was also discussed at the same Conference in 1946, by the Second Committee dealing with the Convention on the treatment of Prisoners of War. In the report of this Commission, which was adopted by the Conference, the following text is to be found.

" The Commission also considered that the terms of Convention should automatically be applied, from the very beginning of any armed conflict, whether the parties involved recognized it as a state of war or not. These terms must be applied similarly in any case of civil war and of any form of occupation."

The same problem may also arise in connection with the application of certain provisions concerning the status and protection of civilians.

It appears necessary to the Norwegian Delegation to have only one formula concerning the scope of the Conventions, including the case of Civil War.

The Norwegian Delegation, on principle, agree to the formula adopted by the Second Committee of the 1946 Conference.



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(Amended text)

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REDRAFT OF NETHERLANDS PROPOSALby UK Delegation

PART II

Protection of wounded and sick Civilians

Art. 1.-

Civilian populations shall at all times receive from belligerents humane treatment without any distinction of nationality, race, sex, religion, or political opinion.

Art. 2.-

In addition to their normal rights under Article 1, wounded sick and maternity cases shall be accorded special protection against pillage, ill-treatment and neglect. They shall receive without delay the fullest necessary medical (and surgical ?) attention.

Art. 3.-

As far as military operations permit each belligerent shall facilitate searches for civilians killed, wounded or missing.

Art. 4.-

No provision under this Convention shall override the rights of opposing military commanders to make local arrangements for the passing of medical personnel and medical equipment into a besieged or encircled zone, or for the evacuation of wounded, sick and maternity cases therefrom.

Art. 5.-

Establishments used for, or intended for, whole time care of at least persons for medical surgical or obstetrical nursing or examination, shall be respected and protected by the occupying power provided that the establishment was recognised before occupation by the Government of the country. The protection shall cease if the establishment is used as a means to commit acts harmful to the occupying power.

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COMMISSION III.



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MEMORANDUM BY UNITED STATES DELEGATION

For the purpose of clarity, the United States Delegation offers, in amplification of remarks made on April 14, the following suggested language regarding the obligations and discretionary powers of belligerents in respect to the repatriation of enemy civilians at the outbreak of war or subsequently :

A. Obligatory Repatriation.

"The opposing belligerents shall be obliged to repatriate as soon as possible after the outbreak of hostilities or after the determination of applicable facts in a given case the following categories of civilians :

(a) Unskilled women and unaccompanied children, including male children who upon January 1 of the year in which hostilities commenced had not yet attained the sixteenth birthday.

(b) The senile, insane and diseased, including persons classifiable under both A and B of II in the Model Convention annexed to the Geneva Prisoners of War Convention of July 27, 1929, which Model Convention is hereby made by reference an annex to this Convention, or under the corresponding provisions of any document which may be adopted as a successor to that Model Convention, which successor document will become automatically by this reference an annex to this Convention. Nominations for examination of individuals under this heading may be made by any interested party, government, authority, or society and examination may be made either by local medical authority or by a Mixed Medical Commission with neutral members or by both. A favorable decision by any examining authority shall be and remain binding. An unfavorable decision shall be reviewed if the request is made by any one with authority to nominate for examination but no individual shall be entitled to more than two examinations within a calendar year. Certificates regarding all such examinations shall be issued and copies delivered to the person examined or his guardian, to the nearest representative of the neutral Power representing the interests of the country of the examined person's allegiance (hereinafter referred to as the protecting Power), and to the competent local authority.

Repatriation of the persons specified under (a) and (b) above shall be effected by category and without reference to the numbers involved on either side. In the event that special transportation facilities must be provided to effectuate such

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Netherlands DelegationVolume IIISecond Part - Protection of Civilian Populations in WartimeParagraph 1 A - Protection of Wounded and SickArt. 1.-

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Art. 2.-

As far as military operations permit, each belligerent shall allow stops to be taken to search for civilians wounded or killed through events of war, and to protect them against pillage and ill treatment.

Whenever circumstances allow, belligerents shall allow to pass through the lines medical personnel and material intended for a besieged or encircled zone, and shall permit the evacuation of the wounded, sick and maternity cases.

Art. 3.-

Establishments used for or intended for day and night care of at least twenty persons for examination and medical, surgical or obstetrical nursing, shall be respected and protected by belligerents, on condition that such establishments are recognised by their Governments. The protection shall cease if used as a means to commit acts harmful to the enemy; as such shall not however be considered the fact that wounded or sick members of forces have been admitted for nursing care.

Art. 4.-

The establishments referred to in Article 3, and which are in enemy or occupied territory may pursue their activities and shall be protected against pillage. Patients nursed in these establishments may not be expelled. The right of requisition accorded to belligerents by the laws and customs of war may only be applied to the building

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SPECIAL COMMISSION TO STUDY PROPOSED NEW CONVENTIONS

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Report submitted by the French Red Cross
on the work of this Commission

The Preliminary Conference of national Red Cross Societies which met in Geneva from 26th July to 3rd August 1946, desirous of ensuring closer co-ordination of the work of the various elements of the International Red Cross with a view to completing the existing humanitarian conventions and drafting another for the protection of civilians, adopted the following resolution:

"The Conference decides to create a Commission which will maintain close contact with the International Committee of the Red Cross to which the Committee will submit the texts it will prepare (of future Conventions) before transmitting them to other national Societies. This Commission shall be named by the Executive Committee of the League."

At its meeting in November 1946, the League's Executive Committee appointed the Red Cross Societies of the following countries members of this Commission: Australia, Belgium, China, France, Great Britain, Greece, Mexico, Peru, Poland, Portugal, Sweden, United States, U.S.S.R.

The French Red Cross was requested to assume the Chairmanship of this Commission.

After consultation with the International Committee of the Red Cross and the League of Red Cross Societies, the French Red Cross invited the members of this Commission to meet in Geneva on the 15th and 16th September 1947, to study the drafts which the International Committee had prepared in the meantime and to take note of the work of the Conference of Governmental Experts which had met in Geneva in April 1947. The conclusions of this Conference served as a basis for the Commission's work.

It was, however, felt that it would take too long to study all the draft conventions article by article and the French Red Cross therefore, in its letter of convocation, requested the Societies, members of the Commission, to send in a written list of the points which they most particularly wished to be discussed.

The Australian, Belgian, French and Swedish Red Cross Societies therefore submitted documents which were photographed and distributed to the members of the Commission.

The Swedish Red Cross also submitted to the Commission proposals made by the Holy Apostolic See in answer to a request of the latter's representative in Stockholm.

The International Committee now also sends us a list of questions which it wished to submit to the Commission.

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The XVIIIth International Red Cross Conference assembled in Stockholm in August 1948 recommends to the Governments of the various states to make the treatment of political prisoners subject to discussions aiming at international reglementation of the question. This reglementation should guarantee political prisoners a treatment not inferior to that of prisoners of war; as far as compatible with national security the International Red Cross should be authorised to get in touch with such prisoners and endeavour to alleviate their situation.

Exposé of motives.

The experiences acquired during the second World War concerning the treatment of political prisoners in concentration camps and elsewhere as well as the humanitarian efforts of the Red Cross and other institutions in order to get in touch with such prisoners and try to alleviate their situation render the raising of this problem at the XVIIIth International Red Cross Conference natural.

The activity of many years in order to obtain a more human treatment of criminals in general has not been able to penetrate to political prisoners although these in many cases have not committed any act directed against the state or against fellowmen and are only detained because of their convictions or opinions.

It has to be added that criminals are in the power of impartial authorities, while political prisoners are in the hands of their political adversaries, which makes their situation particularly hopeless and desperate.

In modern times, the rights of Man being generally recognised, political prisoners too should be protected and subjected to human treatment, therefore a reglementation guaranteeing them against inhuman treatment should be established.

This Project of Recommendation is of universal applicability comprising own citizens as well as foreigners, times of peace as well as ^{such} of international and other conflicts.

B. III. 10. F

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Revision of the Convention concerning
the treatment of prisoners of war, concluded at
Geneva on the 27th July 1929

Addition to article I2.

No prisoner of war may against his will or without his consent be subjected to physical mutilation or to medical or scientific experiments of any kind whatsoever.

Exposé of motives.

The problem of applying the rights of Man upon the prisoners of war will no doubt have to be subject to a thorough investigation as soon as the projects concerning this problem which are at present being studied by the United Nations have obtained their definite drafting. However a special point, the above addition, should from now on be inserted into the Convention, considering the important part the problem envisaged therein played in the second World War and the considerable attention it received in the course of the Nurnberg trial of war criminals. The proposed addition is in conformity with a disposition of article 6 of the Pact concerning the rights of Man, prepared in June 1948 by the Committee of the United Nations.

PLURALITY OF RED CROSS SYMBOLS

Dr. Vivaldo Palma Lima Filho
President of the Brazilian
Red Cross.

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In 1863, at the meeting of the Geneva Convention, this notable Assembly which drew up statutes aiming at such a lofty humanitarian goal with such a great moral significance, a symbol was chosen for this new Institution, based on the flag of the Swiss Confederation, as a tribute to Henri Dunant, the great and noble-minded Swiss who was the founder of the Red Cross. It was decided, by common consent, to form the emblem of the Red Cross by simply reversing the colours of the Swiss flag and this flag then appeared to the fascinated eyes of the whole world as that of a very unique society!

This was the origin of the emblem of the Red Cross; this beautiful cross, with its five equal squares on a white ground, a tribute to the Confederation and its fine traditions.

Henceforth, this flag was to fly proudly supreme wherever there was a Red Cross establishment, a First Aid post or an advanced guard of this Crusade for Good!

In time of peace as in time of war, this emblem would be hoisted as a symbol of neutrality and would spread itself like a protecting mantle over all human beings, without distinction of race, religious beliefs or political convictions; in other words, it would be the symbol of a most noble, pure and charitable mission, an irresistible work for reconciliation and goodwill among men. This is how the Convention, after memorable discussions, chose this emblem, as a touching tribute to the birthplace of Dunant and the fatherland of the Red Cross.

The hope of the great and ingenious founders was that this organization might flourish throughout the world, that the symbol of the Red Cross might one day fly in every country; thus under its protection the nations might understand each other better, hatreds might be forgotten and human beings brought as it were on to the same plane in suffering and misfortune.

Henri Dunant knew how to prepare the minds of many generous people by his book: "A Souvenir of Solferino".

The leaders of the Red Cross, meeting around this historic table, listened to the voice of its idealist, at the decisive and culminating moment of the foundation of the Red Cross, full of living faith, thought of no other emblems, and no one objected, finding it quite natural that all those who belonged to the Red Cross should accept the cross of its flag. The symbol of the Institution thus took form in the most favourable circumstances, under the most happy auspices and henceforth all its societies were to be faithful to its official emblem. There was never any question of considering other symbols in view of the fact that their creation would probably have led to a lack of unity.

(Italian) Foreign Ministry

Rome, 7th August 1948.

Mr President,

I have the honour to refer to letter nr 19/17479/57 of the 3rd June and to transmit to you the observations and projects of amendments formulated by the Government Commission and by that of the Italian Red Cross, members of which will constitute the Italian Delegation which is going to Stockholm, concerning the projects of revision of the Geneva Convention of 1929 and of the Hague Convention of 1907, as well as the project for a new Convention for the protection of civilians in case of ware, which have been drafted under the care of the International Committee.

Believe me, Mr President,

very truly yours

(signed)

To the President of
THE INTERNATIONAL COMMITTEE of
THE RED CROSS
General Secretariate of the
International Red Cross Conference

Artillerig. 6
Stockholm.

B. M. 14. F

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CONVENTION FOR THE PROTECTION OF CIVILIANS IN TIME OF WARSECTION IIAliens in Belligerent Territory

The Italian delegation takes the liberty of drawing attention to the following: Although Article 32, paragraph 3 (Repatriation and Detention) provides that "detention may only be decided upon after a procedure in due form before a special court set up for dealing with aliens", etc., the following Article 40 (Internment procedure) provides that "decisions to intern protected persons and subsequent decisions changing their status shall be taken according to a procedure in due form allowing the protected person the right to appeal to the special court set up for aliens, in accordance with article 32."

This would result in the protected person whose internment had been decided upon, in accordance with Article 32, having the option, under Article 40, of appealing from such measures to the body which took them,

The procedure of appeal to the authority which decided the case in the first resort is certainly not in accordance with the fundamental principles of law and would have as a natural consequence that the party concerned would not benefit by the guarantees which the Convention purports to give him.

Therefore, the Italian delegation expresses the opinion that in Article 40 it should be laid down either that recourse to the same special court set up for aliens be limited only to cases in which new facts or issues have appeared, or, if recourse is also allowed against the internment decision itself, that it be determined to which other jurisdiction, higher than that stipulated by Article 12, an appeal may be made.

The Italian delegation also suggests that the appeal provided for under Article 40 should be available not only to internees but also to aliens in assigned residence, so as to avoid that living conditions and restrictions in the places of assigned residence be left to the mercy of the police authorities of the detaining Power.

SECTION IV - CHAPTER IIIFood and Clothing

Article 78 very opportunely provides as follows: "The food rations of internees shall be sufficient in quality and variety to ensure normally balanced health."

The Italian delegation takes the liberty of suggesting that this article should specify the minimum number of calories per day which must be provided so as to prevent any possibility of the original wording of the said article being too narrowly construed,

XVIIIth International Red Cross Conference

PRINTS OF REVISED AND NEW CONVENTIONS FOR THE PROTECTION OF
HUMAN SUFFERING

I. Revision of the Geneva Convention of 27th July, 1929, for the
relief of the wounded and sick in armies in the field.

Article 14

Proposal of the Netherlands Red Cross to add a provision to this
article, as follows:

"The occupying authorities may require assistance from
relief organizations or from the civilian population for
the sole purpose of giving first aid to members of the
armed forces.

The provisions of this article do not exempt the occupying
Power from the obligations incumbent on it in the health
and welfare field towards wounded and sick members of the
armed forces."

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The delegate of DenmarkConvention for the Protection of Civilians in time of war.Addition to Article 45

The occupying power may not deport or transfer any part of its own population or of the population of one territory which it occupies, to another territory occupied by it or to any place near the boundaries of the latter.

Statement of Grounds

Article 45 mentions only deportations or transfers of individuals outside of the occupied territory. The opposite case, that is to say, the deportation or transfer of parts of the population of the occupying Power or of one territory occupied by it to another occupied territory or to places near its boundaries is, however, no less dangerous and unjustified. During the second world war cases of this type occurred to the great economic and political detriment of the occupied territory, involving ruinous consequences which it is difficult to remedy in the post-war period.

INTERNATIONAL UNION FOR CHILD WELFAREGENERAL COUNCIL

Stockholm, 10 - 16 août 1948.

B. III. 19. A.

Resolution concerning the Draft Convention for the protection of civilian persons in time of war approved by the General Council of the I.U.C.W.

Considering, on the one hand, that even children were not spared during the recent world war, and that all possible measures must be taken without delay to prevent the recurrence of such distress:

Considering, further, that the Draft Convention for the protection of civilian persons in time of war contains some provisions of fundamental importance in that connection:

The General Council of the International Union for Child Welfare, meeting in Stockholm from 10 to 16 August 1948:

- 1°) Happy at the close cooperation established in this field between the International Union for Child Welfare and the International Committee of the Red Cross, extends to the latter its best thanks;
- 2°) Is especially glad that, being invited at the International Red Cross Conference, it may still be associated with the efforts relating to the protection of civilian persons in time of war;
- 3°) Entirely approves the Draft Convention which marks an outstanding improvement of the situation of the child in time of war;
- 4°) Notes that this Draft codifies those very principles which the conscience of mankind has already made its own, and clearly lays down the rules to govern that protection to which every child is entitled, even in time of war;
- 5°) Expresses the hope that the International Red Cross Conference will adopt this Draft Convention, and that Governments will then ratify it with the utmost despatch;
- 6°) Requests the Executive Committee of the International Union for Child Welfare to transmit the present resolution (with the attached note suggesting two amendments) to the International Red Cross Conference.

AppendixArt. 21 al. 3.

- c) read "children under twelve" (instead "children under fifteen")
- 1) suppress "at all times" -

Art. 46 al. 2.

- read "identification of children under twelve" (instead of "identification of children")

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B. III. 127

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MEMORANDUM
OF THE WORLD JEWISH CONGRESS
ON THE DRAFT CONVENTION FOR THE
PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR
submitted to the
XVIth INTERNATIONAL RED CROSS CONFERENCE

Stockholm, August 1943.

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XVIIe Conférence internationale de la Croix-Rouge

Stockholm, août 1948

DOCUMENTATION

CATALOGUE

C A T A L O G U E

A. Commission générale

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No des documents:	Présentés par:	Titres	langues
A.II.4 A	CR norvégienne	Rapport d'activité de 1953 à 1948	anglais
A.III.1,3 RE A	C.I.C.R.	Extraits du Volume III (Actions de secours) Population civile juive	anglais
A.III.1,4 F	"	Quelques chiffres relatifs à l'œuvre du CICR pendant la seconde guerre	français
A.III.1,4 A	"	"	anglais
A.III.1,4 B	"	"	espagnol
A.III.1,5 F	"	Rapport du CICR (1er sept. 1939-30 juin 1947) Annexes (statistiques)	français
A.VI.a,1 F-A	"	Fonds Augusta	(français anglais)
A.VI.b,1 A	"	Rapport McNeill Florence Nightingale	anglais
A.VI.b,1 B	"	"	espagnol
A.II.2 F	"	Règlement de la Commission permanente d'étude du matériel sanitaire	français
A.VIII.1 F-A	"	Rapport au Conseil de la Fondation en faveur du Comité international	(français anglais)
A.XVI.2 F	"	Relations du CICR avec les Nations Unies et les autres organisations internationales	français
A.XVI.2 A	"	"	anglais
B. <u>Commission juridique</u>			
B.III.1,1 F	C.I.C.R.	Addenda au Projets de Conventions révisées ou nouvelles protégeant les victimes de la guerre	français
B.III.6 B	C.I.C.R.	Répressement les violations des Conventions humanitaires	espagnol
B.III.6 A	"	"	anglais
B.IV.3 F	CR italienne	Assistance juridique aux émigrés	français

C A T A L O G U EErratum au supplément No 1

au lieu de A.II.2.F. (Règlement de la Commission Permanente d'étude du matériel sanitaire) lire:

A.VII.2.F

No des documents	Présentées par:	Titres	langues
<u>A. Commission générale</u>			
.II.6 A	C.R. de Birmanie	Rapport général	anglais
.III.1. A	C.I.C.R.	Rapport sur son activité pendant la seconde guerre mondiale (1er sept. 1939-30 juin 1947) Volume 1	anglais
.III.1 E	"	"	espagnol
.III.1,3 RE A (1)"		Extraits du Volume III (Actions de secours) Capture massive des PG sur le front de l'Est européen	anglais
.III.1,3 RE A (2)"		" Civils détenus et déportés	anglais
.III.1,3 RE A (3)"		" Phase finale de la guerre en Europe	anglais
.III.1,3 RE A (4)"		" Secours aux PG des Puissances de l'Axe après les hostilités	anglais
.III.1,3 RE A (5)"		" Secours à la population civile	anglais
.III.1,3 RE A (6)"		" Population civile juive	anglais
.VI.c,1 F	"	Médaille Florence Nightingale	français
.IX.1 F	U.I.S.	4me Conseil général. Exposé du Sénateur Ciruolo	français
.XV.6 A	CR américaine	Résolution soumise à la Commission générale concernant le point XV de l'ordre du jour de la Commission	anglais
<u>B. Commission juridique</u>			
.III.13 F	CR néerlandaise	Revision des Conventions; art. 14	français
.III.13 A	"	" article 14	anglais
.III.13 E	"	" article 14	espagnol
.III.14 F	Italie	Projets de Conventions section II - IV. Observations	français
.III.14 A	"	"	anglais
.III.15 F	Danemark	Convention pour la Protection des personnes civiles Addition à l'article 45	français
.III.15 A	"	"	anglais
.III.15 E	"	"	espagnol
.III.16 F	CR française	Rapport présenté sur l'activité de la Commission des Sociétés nationales de la Croix-Rouge	français
.III.16 A	"	"	anglais
.III.16 E	"	"	espagnol



THE DRAWN UP BY THE DRAFTING COMMITTEE OF
THE FIRST SUB-COMMISSION ON THE BASIS OF THE DECISIONS
TAKEN BY THE LATTER.

MARITIME CONVENTION

PREAMBLE

In view of its particularly technical nature, the study of the draft revised maritime convention was entrusted to a sub-committee composed of naval experts. This sub-commission has felt that it was highly desirable to revise the Xth Hague Convention and to bring it into line with the revised Geneva Convention. However, it has felt that this revision must be studied with the greatest care, taking the very special character of sea warfare into account. Considering the number and importance of the various amendments proposed by the members of the sub-commission, and in view of the absence of experts from several maritime powers, the sub-commission expresses the hope that a further meeting of government experts will be held before the forthcoming diplomatic conference.

With this reservation, the sub-commission has adopted the draft submitted by the I.C.R.C. with the few amendments stated hereunder. It is emphasised that the amendments approved with respect to the Geneva Convention are considered valid in connection with the maritime convention to the extent to which they are applicable to the conditions of sea warfare. They must therefore be incorporated later in the final draft.

Article 11

Adopted. In connection with this article and in all similar cases - that is to say, whenever reference is made to an article or a paragraph in another Convention, the Sub-Commission expresses the hope that, when the final text of the maritime Convention is drawn up, the complete text of the article or paragraph to which reference is made will be reproduced in a footnote.

Article 12

Subject to the provisions of the preceding Article, the wounded, sick and shipwrecked of a belligerent who fall into enemy hands shall be prisoner of war, and the provisions of international law concerning prisoners of war shall be applicable to them. The captor may decide, according to circumstances, whether they shall be held, sent to a port of his home country to a neutral port, or even to an enemy port. In the last case, prisoners thus returned to their home country may not serve again for the duration of the war.

Uninjured shipwrecked persons found at sea who have not
wished to surrender may be neither captured nor retained against their
will on board a hospital ship.

TEXT DRAWN UP BY THE DRAFTING COMMITTEE OF THEFIRST SUB-COMMISSION on the basis of the decisionstaken by the latter.GENEVA CONVENTION (continued)Article 15

Protection Fixed establishments and mobile hospital units of the Medical Service may in no circumstances be attacked, but shall at all times be respected and protected by the belligerents. Should they fall into the hands of the adverse party, they shall be free to pursue their duties, as long as the capturing Power has not itself ensured the necessary care of the wounded and sick who may be in such establishments and units.

The responsible authorities shall ensure that the medical establishments and units mentioned above are, as far as possible, located in such a manner that attacks against military objectives cannot endanger them.

Article 16

End of Protection - The protection to which medical units and establishments are entitled shall cease only if they are used to commit acts incompatible with their humanitarian tasks. However, protection shall cease only after due notice has been given, specifying a time limit, and has not been complied with.

Article 17:

Facts not
cancelling
protection.

Approved without change.

Article 18

Hospital Zones
and Localities

Already in peace time, the Contracting Powers and, in case of hostilities, the Parties to the conflict, may set up, in their own territory and in occupied territories, hospital zones and localities so organised as to shield the wounded and sick from the effects of war.

From the outset of a conflict and throughout its duration, the parties concerned shall agree on mutual recognition of the zones and localities they have set up, and may, for this purpose, implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are requested to lend their good offices to facilitate the setting up and recognition of these hospital zones and localities.

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ADULTS ONLY

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TEXT DRAWN UP BY THE DRAFTING COMMITTEE OF

THE FIRST SUB-COMMISSION

CONVENTION RELATING TO MARITIME WARFARE.

Addition to Article 20.

Subject to the same conditions, low-speed coasting lifeboats (max. speed 12 knots per hour) of small tonnage having a permanent base and used by private persons or officially recognised relief societies shall be entitled to the same protection as that accorded the ships referred to in paragraph First.



TEXT DRAFT UP BY THE DELEGATION COMMITTEE OF THE

FIRST SUB-COMMISSION

ON THE BASIS OF THE LATTER'S DECISIONS.

GENERAL CONVENTION (continued).

Article 26

The equipment of mobile units which are in the hands of the adverse party shall be employed for the care of the wounded and sick, and by priority for the care of persons of the same nationality as the said units.

The buildings, material and stores of fixed medical establishments and of mobile medical units of the armed forces shall remain subject to the laws of war, but may not be diverted from their purpose, as long as they are required for the care of the wounded and sick nursed in them.

Article 27

Material of Relief Societies. Personal and real property of aid societies which are admitted to the privileges of the Convention shall be regarded as private property.

The right of requisition granted to belligerents by the laws and customs of war shall be exercised only in case of urgent necessity, and only after the welfare of the wounded and sick has been ensured.

CHAPTER VI

Medical Transports

Article 28

Protection. (Adopted without modification. However, the Conference wishes to emphasise the complexity of the problem of the use of vehicles temporarily employed for medical purposes. It recommends that the diplomatic Conference which will be called upon to draft the Conventions in their final form, give special attention to this point).

Article 29

Aircraft defined in the present Article and used as a means of medical transport may not be the object of attack, but shall be respected by belligerents insofar as they are used exclusively for the removal of wounded and sick, or the transport of medical personnel and material.

They shall be painted white and bear, clearly marked, the distinctive emblem prescribed in Article 31, together with their national colours, on their lower, upper and lateral surfaces. They shall be provided with any other signal or means of identification determined by agreement between the belligerents either at the beginning of or during hostilities.

To facilitate their identification they shall endeavour to inform the enemy of their route, altitude and time of flight.

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TEXT drawn up by the Drafting Committee

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of the first Sub-Commission on the basisof the latter's decisions.GENEVA CONVENTION.Article 10.

Members of the armed forces and the other persons designated in Article 3 of the Convention relative to the treatment of Prisoners of war who are wounded or sick, shall be respected and protected in all circumstances.

They shall be treated with humanity and cared for by the belligerent in whose power they may be, without any discrimination of race, nationality, religion or political opinions, or any other distinction founded on similar criteria. Priority in medical care will only be permissible for urgent medical reasons.

Women shall be treated with all consideration due to their sex.

Nevertheless, the belligerent who is compelled to abandon wounded or sick to the enemy shall, as far as military considerations permit, leave with them a portion of his medical personnel and material to assist in their care.

Article 11.

Adopted without change.

Article 12.

At all times, and particularly after an engagement, belligerents shall without delay take all possible steps to search for and collect the sick and wounded, protect them against pillage and ill-treatment and ensure their adequate care, and to search for the dead and prevent their being despoiled.

Whenever circumstances permit, a local armistice or a suspension of fire shall be arranged to permit the removal and transport of the wounded.

Likewise, local arrangements may be concluded between belligerents for the removal of wounded and sick from a besieged or encircled area, for the passage of medical personnel and equipment bound for the said area.

TEXT DRAWN UP BY THE DRAFTING COMMITTEE
OF THE FIRST SUB-COMMITTEE BASED ON THE
RESOLUTIONS PASSED BY THE SUB-COMMITTEE

Geneva Convention (continued)

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Article 15

Protection

The fixed establishments and the mobile medical units of the Medical Service may under no circumstances be the object of attacks, but shall at all times be respected and protected by the belligerents. If they fall into the hands of the adversary, they shall continue to function, unless the capturing Power assumes the responsibility of providing the necessary care for the sick and wounded which are being cared for by these establishments and units.

The competent authorities shall see to it that the medical establishments and units mentioned above are, as far as possible, so located that any possible attacks against military objectives cannot endanger these medical establishments and units.

Article 16

Cessation
of
protection

The protection to which medical units and establishments are entitled may cease only if they are used for the purpose of committing acts in-compatible with their humanitarian duties. However, the protection shall cease only after due notification, allowing a reasonable delay, and such notice has remained without effect.

Article 17

Facts which
do not cancel
the protection

Approved without amendments.

Article 18

Medical zones
and
localities

In time of peace, the Contracting Governments and, in case of war, the Parties at War, may create on their territory and, if necessary, on occupied territory, medical zones and localities organized in such a way that the sick and wounded are sheltered there from the effects of the war.

Beginning with the outbreak of hostilities and during the course of the same, the Parties concerned shall agree on the reciprocal recognition of the zones and localities which will be established and may, for this purpose, put into effect the provisions of the drafted agreement annexed to this Convention, making any amendments thereto which they may deem necessary.



SUB-COMMISSION ON THE SICK AND WOUNDED

Minutes of the Meeting of August 21, 1948

The Chairman, Mr. Pasmazoglou (Greek Red Cross) called the meeting to order at four o'clock p.m., and suggested that the ICRC "Draft Conventions" be used as the basis of the Sub-Commission's work.

Mr. Pictet gave certain explanations concerning the document itself and the addenda given under No 4 bis. He then proposed that the Commission take up the study of Article 10, as the nine first articles deal with matters of a general nature.

Article 10 was adopted with following amendments:

Par. I, 1st line:

"Members of the armed forces and the other persons designated in"

Par. 2 add at the end of the sentence:

"....The therapeutic indications will depend only on the urgency of the cases."

Article 11 was adopted without giving rise to any comments.

Article 12 was adopted after amendment as follows:

Par. 3 penultimate line:

"... from a besieged or encircled area and for the passage of medical personnel"

Article 13, Communication of information.

Prescriptions regarding the dead.

There was first a discussion concerning the term "certificates of death" contained in paragraph 2, following a proposal by the Belgian Red Cross to use the words "individual official statement of death". In spite of the intervention of the delegate of the French Government reminding the Commission that Army Doctors are not competent to make out certificates of death this proposal was not agreed to.



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SUB-COMMISSION RELATIVE TO WOUNDED AND SICKMeeting of August 23rd, 1948

Second Session.

Monsieur Brousart took the chair for the discussion of Articles 15 and 16, until the arrival of Mr. Cosmazoglou.

Article 15 -

Paragraph 1 - The question was raised whether it is necessary to define "necessary care".

Paragraph 2 - A discussion took place on the site of medical establishments and formations - should any notion of distance be conveyed? The American Delegation proposed that the paragraph should be deleted.

Article 15 was adopted with the following amendment to Paragraph 2 "... medical establishments and formations shall as far as possible be situated in such a manner"

Were present at the discussion General Jame, Chief Medical Officer, General Lefebvre, Commandant Ott, Monsieur Pictet.

Article 16 -

Paragraph 1 - The American Delegation submitted two observations -

1. For: "acts harmful to the enemy"

Substitute: "acts incompatible with the humanitarian services for which these establishments and units are intended"

The French delegation considered, after Monsieur Pictet's explanation on this subject, that there was a choice between two definitions - one adaptable and wide and the other more precise. They agreed to the American proposal except for the term "humanitarian services". The Commission requested the Drafting Committee to establish the final text and to use in this respect either duties, missions or humanitarian functions.

The American Delegation then made the second observation - Addition to the text -

"... If military establishments or formations are situated in proximity to strategic positions, whenever possible warning should be given before these regions are subjected to bombardment."

General Jame wished to maintain the text proposed by the International Committee.

Sub-Commission On Wounded and Sick

3rd Meeting of August 23

Afternoon

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Mr. Pogonazoglou opened the meeting at 3.15 p.m. by summarising the question of the status of captured medical personnel.

Major Hott upheld the principle of the status of prisoners of war.

The Turkish delegate, Dr. Uroil supported the principle of the non-captivity of medical personnel and seconded General Vönlken as well as the Italian proposal. If this principle were added to Article 19 it would not prevent prisoners from being cared for by their own doctors, as the latter could work among troops in the camps.

Chief Medical Officer Jone spoke in the name of the French doctors and read extracts from two letters. He gave his verdict against the abolition of the status of non-captivity. According to him, a doctor holding the status of prisoner was at the disposal of the capturing power. He should be given not the status but the rights of a prisoner of war. The French delegation requested in consequence the restoration of the last phrase of the 1929 Convention.

Colonel Crawford was of the opinion that it would be impossible to adhere to the text proposed by the I.C.R.C. unless the immunity of doctors be guaranteed. It is important that their detention should be provided for in the interests of the other prisoners and to give them a status with special advantages.

Mr. Gower summarised the question by pointing out that the majority seemed to be in favour of the principle of immunity rather than the status of prisoner properly speaking. According to the principle of immunity, medical personnel were repatriated immediately, but the prisoners remained without attention!

The Swedish delegate, Mr. Rodho, seconded the French and Italian proposal.

Miss Warner raised the question of civilian doctors falling into the hands of an occupying power and requested that they should be given a special status.

Mr. Pictet replied that civilians were not covered by this article.

General Daubenton seconded the American proposal, and stressed that the difference between the status of prisoner and the status of immunity was a question of words. He was inclined to support the I.C.R.C. text.

General Lefebvre asked to what extent medical personnel would be able the better to carry out their duties if they were not known as prisoners of war!

The Chairman called upon Major Hott and Professor de la Pradelle in turn to speak. The latter in an eloquent appeal to the Sub-Commission, and after giving a definition of the term "prisoners", requested that doctors should not be made prisoners of war!

Colonel Romund and Colonel Mouli of the Swiss delegation and the delegate of the Austrian Red Cross explained their points of view insisting on the status of non-captivity of 1929. After the delegate of Great Britain had spoken, Mr. Pogonazoglou suspended the work of the Sub-Commission and requested the Drafting Committee, to which the delegate of the British Red Cross is attached, to draft a text which would cover these two proposals.

On resumption of the meeting, Professor Drouard insisted upon the return to the former text.

Major Hott pointed out that the delegation from the Papal States had not made any pronouncement.

General Vönlken was aware that this delegation was going to vote for non-captivity.

Mr. Pogonazoglou proposed that a vote should be taken on the proposal appearing below and then to proceed to a second vote on the American proposal.

B

SUB-COMMISSION ON WOUNDED AND SICK

4th Session.

August 24th, 1948, at 9.30 a.m.

Articles 19 and 22 -

The meeting was adjourned the day before to allow the delegate of the American Government to get in touch with Mr. O'Connor. Before putting the proposal of the Bureau to the vote, the Chairman called upon the delegate of the Holy See who made a statement in which he requested that the 1929 text in favour of the non-captive status of military chaplains should be restored.

Monsieur Dronsart made a new proposal - no modification to Article 19, and Article 22, 3rd, paragraph, to be modified as follows -

"Members of personnel named in Section 1 of the present article shall not be deemed to be prisoners of war but they shall enjoy all the rights of the latter. They shall be subject to the same discipline, nevertheless, to allow them to carry out their humanitarian duties....."

After a discussion in which the Belgian, British and French delegates participated, this proposal was rejected by 31 votes to 9, whereas the proposal of the Bureau was accepted by 32 votes to 7 and 2 abstentions.

Article 20 -

Adopted in its present form by 21 votes in favour and 1 against, and 1 abstention.

Article 21 -

Returned to the Drafting Committee. In this respect, Monsieur Pictet stressed that the last phrase of the 1st paragraph had been added following a proposal by the Netherlands made in 1937 at the Experts Commission.

Article 22 -

Discussed at the same time as Article 19.

Another question arose with regard to the 3rd paragraph, "certain privileges especially as regards accommodation, food" - returned to the Drafting Committee.

SUB-COMMISSION ON WOUNDED AND SICK

5th Session

August 24, 1948

2.30 p.m.

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Article 29: After a debate in which took part the American, Belgian, Canadian, Indian, Netherlands and Venezuelan Delegations, study of this Article was referred to a special Committee consisting of the American, Belgian, Canadian, French, Italian and Netherlands Delegations.

Article 30: After an intervention by Mr. Singh Puri, (Delegate of India) study of this Article is referred to the special committee.

Article 31: M. Pictet raised the question and proposed that the Conference should express the recommendation that unity of the Red Cross emblem should be returned to as soon as possible.

The Delegate of the Government of Israel, who is attending as an observer, also spoke.

Mr. Sloper spoke in the name of the President of the Brazilian Red Cross and briefly recalled that the point of view on this matter of the Brazilian Red Cross is set forth in the paper called "Plurality of Red Cross Emblems". He firmly proposed that Paragraph 2 of this Article should be deleted:

"Nevertheless, in the case of countries which already use, in place of the Red Cross, the Red Crescent or the Red Lion and Sun on a white ground as a distinctive sign, these emblems are also recognised by the terms of the present Convention".

After a debate in which took part the Delegates of Belgium, Great Britain, the Netherlands, Turkey and the United States, the Commission voted on the deletion of this paragraph, which deletion was approved by 21 votes to 2 and 5 abstentions. The Commission also voted on a recommendation which might be made by the Conference and reading as follows:

"The Conference expresses the recommendation that unity of the emblem should be returned to as soon as possible".

This recommendation was adopted by 19 votes to 3 and 8 abstentions.

Article 32: Adopted

Article 33: As regards identification of medical personnel, the proposal of the Delegate of Venezuela to add French and English to the national language was adopted by 17 votes to 1 abstention.

Article 34: Adopted

Article 35: Adopted

SUB-COMMISSION ON THE WOUNDED AND SICK

Part I.

Report on the 6th meeting, August 25, 1948

Mr. Pemasoglou, Chairman.

Mr. Dronsart, Reporter.

Article 40

It was proposed that this article which deals with a general question, common to the 4 Conventions, be referred to the Plenary Meeting. The ICRC had moreover made a report on the subject, which calls for particular study.

This proposal was adopted.

Article 41

A first proposal was to replace the word "diplomatic" in the 5th paragraph,

"Its members shall enjoy diplomatic privileges and immunities"

by "the most extensive" but it was rejected as it was deemed preferable to maintain the wording as it exists in the Convention.

The Greek delegation was of opinion that it would be advisable to replace the 2nd sentence of paragraph 3 by the following:

"The third member shall be designated by the other two, and should they disagree, by the President of the Court of International Justice or, should the latter be a national of a belligerent State, or refuse or be prevented from acting, by the President of the International Committee of the Red Cross."

Mr. Pictet pointed out that the words "prevented from acting" in

"..... national of a belligerent State, or refuse or be prevented from acting, by the President"

appeared to be sufficient, if the words "or refuse" be deleted.

This proposal was adopted

On the other hand, it seemed advisable to mention an alternate for the President of the Court of International Justice.

The matter was referred to the Drafting Committee.



SUB-COMMISSION RELATING TO THE WOUNDED AND SICK

2nd Part

Continuation of the Minutes of the 6th

Meeting, on 25th August 1948

The Sub-Commission proceeded to discuss the Hague Convention.

Article 13.

The Italian delegation proposed a new wording:

"All warships of a belligerent Party shall have the right to demand the surrender of wounded, sick or shipwrecked nationals on board military hospital ships or a hospital ship under the control of a belligerent adversary provided that the state of the wounded and sick permits and that those concerned consent. It shall also have the right to demand, under the same conditions, the surrender of the wounded, sick or shipwrecked on board merchant ships, yachts and other craft, whatever their nationality."

Mr. Pictet pointed out that the question raised by the Italian delegation had already been the subject of a discussion in 1937, and read the report which had been drafted on this subject.

Commander Mott (United States) wished to stress that the majority of the members of the Sub-commission was of the opinion that it would be preferable if the Italian delegation relinquished this new wording.

The question was put to the vote and the Italian proposal was rejected by 13 votes with 3 abstentions.

Article 14.

The Swedish delegation, supported by the Netherlands delegation, proposed the addition at the beginning of the article of the words: "on the high seas" after the words:

"If wounded, sick or shipwrecked persons are taken on board a neutral warship on the high seas ..."

This proposal was adopted unanimously.

The Commission passed to the examination of Article 15.

The American proposal to add the words "hospital or merchant" to the first paragraph, after the words :

SUB-COMMISSION RELATING TO THE SICK AND WOUNDEDMeeting of August 26, 1948

10 a.m.

7th meeting

Mr. Pasmazoglou opened the meeting and proposed that it should take up the study of Article 29 relating to medical aircraft, as the members of the Committee of Maritime Experts were not present.

Mr. Crawford, on being asked to report on the question, emphasised that the Committee of Experts had endeavoured to secure the greatest protection possible for medical aircraft, while at the same time ensuring the greatest possible degree of protection for the overflowed territory.

The proposal submitted by the Committee of Experts was adopted.

Article 30.

As the two proposals which had been submitted by the Italian and Greek delegations had been withdrawn, the text proposed by the ICRC and appearing in the Addenda to the Draft Convention was adopted.

The Chairman then proposed that, pending the arrival of the Maritime Experts, a study be made of the first articles of the Convention.

Article 1. No observations.

Article 2.

The Greek delegation proposed a different wording of paragraph 4, which would make the former text adopted by the Conference of Governmental Experts concur with the ICRC text:

"In all cases of armed conflict which are not of an international character, especially cases of civil war, colonial conflicts, or wars of religion, which may occur in the territory of one or more of the High Contracting Parties, the humanitarian principles of the Convention shall also be applied by the contracting party, provided the adversary, recognised as a belligerent by at least a majority of the permanent members of the Security Council of U.N.O. also act in accordance therewith. The application of the humanitarian principles of the Convention in these circumstances shall have no effect on the legal status of the belligerents with respect to their mutual relations."

A discussion took place concerning this paragraph, in which General Lefebvre, General Voncken, Commander Mott, Professor de la Pradelle took part, on the question of the application of the humanitarian principles and of reciprocity, especially in the event of civil war.

Mr. Pictet referred to two points in these texts:

1) if the condition of reciprocity is insisted upon, one of the Parties is already given the possibility of not applying these principles;

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XVIIth INTERNATIONAL RED CROSS CONFERENCE

STOCKHOLM AUGUST 1948

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LEAGUE OF RED CROSS SOCIETIES

XVII^{ème} Conférence Internationale de la Croix-Rouge
Stockholm, Août 1948

Document No.

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LEGAL PROTECTION OF NATIONAL RED CROSS SOCIETIES

(Item 7 on the Agenda of the Legal Commission)

Memorandum by the Secretariat of the League
of Red Cross Societies

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XVIIeme CONFERENCE INTERNATIONALE DE LA CROIX-ROUGE

Stockholm

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#79

Text established by the Drafting Committee
of the Legal Commission

Stipulations commons to -

Geneva Conventions
Hague Maritime Convention
Convention on prisoners of war
Convention on civilians

Article 1 - (common to the 4 Conventions)

Application of the Convention -

"The High Contracting Parties undertake to respect and to ensure respect for the present Convention.

Article 2 - (Geneva and Hague Conventions)

"Beyond the stipulations to be implemented in peace time, the present Convention shall apply to all cases of declared war or any other armed conflict which may arise between two or more of the High Contracting Parties, even should the state of war not be recognised by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even should the said occupation meet with no armed resistance.

Should one of the Parties in conflict not be party to the present Convention, the Powers who are party thereto shall, nevertheless, be bound by it in their mutual relations.

In all cases of armed conflict which are not of an international character, which may occur in the territory of one or more of the High Contracting Parties, implementing of the principles of the present Convention shall be obligatory on each of the adversaries. The application of the Convention in these circumstances shall in no wise depend on the legal status of the parties to the conflict and shall have no effect on that status."

Article 2 - Applications of the Conventions - (Conventions Prisoners of War and Civilians)

Beyond the stipulations to be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even should the state of war not be recognised by one of them.

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XVIIème CONFÉRENCE INTERNATIONALE DE LA CROIX-ROUGE
Stockholm



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17th International Red Cross Conference

LEGAL COMMISSION

Amendments of the Prisoner of War Convention

Approved by the Legal Commission

Subject to Reservations by the

Following Delegations as Respects

The Following Articles:

- International Red Cross Committee -- Article 2, paragraph 3
Article 82, paragraph 3
Belgium -- Article 41, paragraph 4
Greece -- All Articles
Italy -- Articles 5 and 38
Norway -- Article 74
United States Government -- Articles 3, 36, 93 and 100

LEGAL COMMISSION3
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51Plenary Session, August 21st 1948 -

The session opened by the proposals of the Board of Delegates for the appointment of the Chairman and Vice-Chairmen being read out to the Commission.

In accordance with these proposals, Mr. Sandström, Vice-Chairman of the Swedish Red Cross was unanimously elected Chairman of the Legal Commission.

Mr. Sandström then took the chair.

For the office of Vice-Chairmen the Board of Delegates proposed -

Mr. Dohny (Swiss Red Cross)
Mr. Cahon-Salvador, (French Red Cross)
Mr. Pasmazoglou (Greek Red Cross)

Mr. O'Connor, Chairman of the American Red Cross proposed General Paul, delegate for the United States Government.

The Commission then decided to appoint four Vice-Chairmen; were unanimously elected -

Mr. de Truchis
Mr. Dronsart (Belgian Red Cross)
Mr. Starr (American Red Cross)
Mr. White (New Zealand Red Cross)

After discussion, three proposals were open -

1. Election of 4 reporters.
2. Election of one reporter and three assistants.
3. Election of Mr. de Truchis who would be requested to nominate his assistants.

After voting on these three proposals, the last was adopted by 23 in favour and 4 against. Mr. de Truchis was therefore elected reporter and at once requested that Mr. Dronsart, Mr. Starr and Mr. White should also be appointed.

The Commission unanimously agreed.

Mr. Duchosal then proceeded with the roll-call of the delegations -

Present	32 Red Cross Societies
of which	31 with right to vote
and	30 Governments
of which	28 with right to vote.

On the Chairman's suggestion a recess was taken to allow the Bureau to arrange the Commission's programme of work.

When the meeting was resumed, Mr. Sandström submitted the suggestions made by the Bureau -

B/3

XVIIth International Red Cross Conference

B. LEGAL COMMISSION

IIIrd Sub-Commission: Conventions relating to Civilians

Chairman: Mr. CAHEN-SALVADOR, (France)

Secretary: Colonel de MEYER (League)

Reporter: Mr. WHITE (New Zealand).

2nd Meeting of August 23 1948 at 10.30 a.m.

1. Time-Table of Work

After having heard Chairman O'Connor, who conveyed the decision of the Bureau of the Conference, the Sub-Commission's time-table of work was agreed upon as follows:

Morning: 9.30 to 12.30 p.m.

Afternoon: 2.30 to 5.30 p.m.

2. Resumption of the Study of the Convention.

Article 15: Referred to the Drafting Committee with the request to take note of the following suggestions:

- (a) that of Mr. Bagge (Denmark): "So as to lessen the danger still further, the competent Authorities shall see to it that civilian hospitals are placed as far as possible from permanent military objectives."
- (b) that of Air Commodore Hewat (Great Britain): "A certificate confirming this recognition shall be issued by the state to such hospitals and they shall be permitted to display the Red Cross Emblem (to be inserted at the end of Parag. 2 of Art. 15)."

Article 16: Adopted

Article 17:

- (a) 1st Paragraph: adopted without amendment.
- (b) 2nd Paragraph: The Greek proposal with a view to replacing the words "wounded and sick" at the end of the sentence by "the necessities of the civilian population" was rejected. On the other hand, the proposal by Mr. HEKESCH (Netherlands) requesting that there should be added "cripples and women in childbirth" after the words "wounded and sick" as was done in Article 15, was adopted.

Paragraph 2 was adopted and referred to the Drafting Commission for note to be taken of this amendment.

- (c) Paragraph 3: Adopted in principle, deleting "in so far as they shall be necessary for the wounded and sick".

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LEGAL COMMISSION2nd Plenary Meeting on 23rd August 1948 at 9.30 a.m.

Mr. Sandström, Chairman, opened the meeting and proposed that the Commission continue the study of Item IV on the Agenda - Résolutions of the Preliminary Conference of National Red Cross Societies.

Following an exchange of views and an observation made by Mr. Cohen Salvador with a view to concluding the examination of the Conventions by the Sub-Commissions as quickly as possible, the Commission decided to resume the work of the Sub-Commissions.

After an exchange of views, and on the proposal of Mr. (Mc)Connor, the Commission recommended that the Plenary Meetings of the Conference take place only on Friday, Saturday and Monday to allow the Sub-Commissions of the Legal Commission to submit a report to the Plenary Meeting of the Commission on Thursday.

The meeting adjourned at 10.30 a.m. and the Commission divided up into the Sub-Commissions.

XVIII International Red Cross ConferenceB. LEGAL COMMISSION3rd Sub-Commission: Convention relating to Civilians

3rd Meeting on 23rd August 1948 at 2,30 p.m.

Discussion on Article 18 was resumed. At the request of the Chairman, Dr. Boidé presented his proposal to the effect that a new paragraph, reading as follows, be added:

"Personnel exclusively engaged in the collection, transport and care of wounded and sick civilians, cripples and women in child-birth, medical personnel exclusively engaged in the administration of the hospitals provided for in Article 15, when carrying out their duties, shall wear, on the left arm, a water-proof armband bearing the emblem provided for in Article 19 of the 1929 Convention delivered and stamped by the civil Authorities."

Dr. Boidé's proposal was accepted. The text was referred to the Drafting Commission which will also decide whether this provision should be inserted in Article 18 or Article 19.

Article 19. The Sub-Commission had before it two amendments. Mr. Bagge proposed to replace the words "responsible authorities at the end of paragraph 1 by "consent of the National Red Cross societies". Chairman O'Connor (United States, Red Cross and League) proposed that the words "consent of the responsible authorities" be replaced by "agreement of the State and the National Red Cross Societies".

Article 19, as amended by Mr. O'Connor was adopted.

Article 20. Mr. Werhuf (Canadian Government) proposed that it should be specified in paragraph 1 that the medicaments and hospital stores are intended for civilians. He further requested that the right of inspection be reserved for those countries which granted free passage. He considered, moreover, that Article 20 as a whole was too imperative and that, instead of constituting an obligation, it should be drafted in the form of a recommendation.

Mr. Davis (United States, Government) proposed that the words "on the recommendation and under the supervision of the Protecting Powers" be inserted in paragraph 2.

In the name of the countries which, during the last war, acted as Protecting Powers, Mr. du Pasquier (Switzerland, Government) and Mr. Holmgren (Sweden, Government) declared themselves to be against the amendment proposed by Mr. Davis.

The Countess of Limerick (United Kingdom, Red Cross) proposed that the words

XVIIIth International Red Cross ConferenceB. LEGAL COMMISSION3rd Sub-Commission: Convention relating to Civilians

3rd Meeting on 23rd August 1948 at 2,30 p.m.

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Mr. Denis (United States, Government) proposed that the words "on the recommendation and under the supervision of the Protecting Powers" be inserted in paragraph 2.

In the name of the countries which, during the last war, acted as Protecting Powers, Mr. du Pasquier (Switzerland, Government) and Mr. Holmgren (Sweden, Government) declared themselves to be against the amendment proposed by Mr. Denis.

The Countess of Linorick (United Kingdom, Red Cross) proposed that the words

B. LEGAL COMMISSIONSub-Commission III: Convention relating to Civilians4th Meeting on Tuesday, 24th August 1948 at 9.30 a.m.Continuation of the Study of the Draft Convention relating to Civilians.

A long discussion arose as to whether several of the principles contained particularly in Articles 30 and 31 should not be placed in a general section at the head of the Convention and the wording of these provisions made more precise so that it might be easily understood by the public. Finally, Mr Christburg's proposal to draw up a preamble to the Convention was adopted.

The Commission then returned to Article 30 and accepted a proposal made by Mr B'GGE (Denmark, Red Cross) with a view to prohibiting the removal of movable property.

Article 32. A number of observations were made by various delegates. The Commission maintained the suggestion made by Mr Riegner, World Jewish Congress, with a view to indicating which provisions of the Convention could apply in the case of civil war. It also decided to delete the third sentence in paragraph 1, prohibiting the repatriation of protected persons against their will, but it agreed that this idea should be expressed in a different form in another article of the Convention. It accepted the proposal of the Italian delegate, Mr SEVERINI, to set up a court of appeal. A proposal made by Mr CHATTENOUP (USA Government) for the authorization of secret procedure only in individual cases was adopted.

Article 33. Adopted.

Article 34. The Countess of LIMEBICK (Representative of the United Kingdom Red Cross) drew attention to the three categories of detention existing in English law.

Article 34 was adopted.

Article 35. Adopted.

Article 36. Mr LEPCHOW (Representative of the Canadian Government) recommended that the phrase "or by allowances made by the Power in whose hands they may be" be deleted, and that a sentence be added to the effect that protected persons shall not have priority over the nationals of the country as regards employment. The Government of the country in question should not be bound to guarantee work for foreigners when the nationals of the country may not perhaps be able to find employment.

The two amendments proposed by Mr LEPCHOW were rejected and the text proposed by the ICRC for Article 36 was adopted.

Article 37. The Countess of LIMEBICK (Representative of the Red Cross of the United Kingdom) requested that this article define rather the work which the protected persons might not be authorized to do, instead of the work that they might do.

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B. LEGAL COMMISSION

Sub-Commission III - Conventions for Civilians.

5th Session, August 24th, 1948, at 2.30 p.m.

Chairman: Monsieur Cahen-Salvador (French Red Cross Society)

Continuation of the Study of the Draft Convention on Civilians.

The discussion was resumed on the subject of Article 47 and the amendment proposed by Mr. Castberg, which the Commission agreed to note in principle.

Mr. Abut (Turkish Red Crescent) requested that a limit should be specified for the duration of requisitioned labour, instead of merely indicating its temporary nature.

The Commission rejected this last proposal a limit being too difficult to specify.

Article 47 was adopted.

Article 48 - Mr. White (New Zealand) considered that it would be as well to abandon the term "artificially created unemployment" and proposed that the 2nd paragraph of the article should be worded in the following manner - "All planned schemes with the object of creating unemployment or of restricting the possibilities offered to workers in occupied territory, in order to induce them to work for the Occupying Power, are prohibited."

Article 48 was adopted.

Article 49 - Mr. Daubenton (Netherlands Government) requested that an addition should be made to the first paragraph of this article, in the following terms "... civilian population according to the standard rations fixed by the Government of the occupied State, duly recognised by the International Committee of the Red Cross in agreement with an international health organisation."

Article 49 thus amended was adopted.

Article 50 - Mr. Clattenberg (United States Government) suggested that the word "ensure" appearing at the beginning of paragraph 1 of this article be replaced by the word "facilitate".

Article 50 thus amended was adopted.

Article 51 -

Adopted.

Article 52 -

Adopted with the 1st paragraph as worded in the Addenda.

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PROPOSALS OF UNITED STATES GOVERNMENT DELEGATION ADVANCED
IN SESSION AUGUST 24 to 26,

ARTICLE 59

The United States delegation proposes that the last two paragraphs be replaced by the following language:

The courts of the occupying Power shall not impose the death sentence on a protected person unless he is guilty of an offense which was punishable by the death penalty under the law of the occupied Power at the outbreak of hostilities.

The death penalty may be pronounced against a protected person only if the attention of the court has been particularly called to the fact that the accused, not being a national of the occupying Power is not bound to it by any duty of allegiance and is in its power by reason of circumstances independent of his own will.

ARTICLE 86

New final paragraph.

On discharge from internment or repatriation, internees shall receive all articles, monies, or other valuables taken from them during internment and shall receive in currency the amount of any credit balance in their accounts opened pursuant to Article 90, except any articles or amounts taken by the detaining Power under alien enemy property laws. In the event that any property is withheld from internees under alien enemy property laws of the detaining Power, they shall receive a certificate describing the nature and the amount of such property.

ARTICLE 87

New second paragraph:

Internees as a class may also receive subsidies from their Home Power through the Protecting Powers and duly recognized relief societies. Individual internees may also receive subsidies from their next of kin.

B. LEGAL COMMISSION3
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51Sub-Commission III : Convention relating to Civilians.Chairman: MR. CAHUN-SALVADOR (France, Red Cross)6th Meeting: 25th August 1948 at 9.30 a.m.Continuation of the Study of the Draft Convention relating to civiliansArticle 86

MR. CLATTENBURG (USA Government) read the draft amendment which he proposed as the final paragraph of Article 86:

"At the time of their liberation from internment or their repatriation, the internees may receive all kinds of articles, money or other objects of value which have been taken from them, and they may receive, in the form of money, the amount of any credit balance of their accounts opened in accordance with Article 87, except articles or sums of money retained by the detaining Power according to the property laws governing the subjects of enemy countries. In the case of any property, whatever belonging to the internees being retained in accordance with the property laws governing the subjects of countries which are enemies of the detaining Power, the internees must receive a certificate describing the nature and value of the property."

MR. TAYLOR (South Africa) proposed that the words "within the limits of public international law" be added to "subjects of enemy countries", to satisfy the doubts expressed by Mr. du Pasquier and Mr. Werhshof with regard to the American amendment.

Article 86 was adopted with the two proposed amendments.

Article 87

MR. CLATTENBURG Proposed a new second paragraph to replace that in the original text:

"Internees considered as a category may also receive grants from their native countries through the intermediary of the protecting Powers or universally recognized relief societies. Individual internees are likewise entitled to receive grants from their relatives."

MR. PILLOUD (ICRC) Proposed that the text of the Draft be maintained with the addition of the following sentence to the second paragraph, after the words "or their relatives": "However, these grants sent by the country of origin must be of the same amount for all internees belonging to the same category."

Article 87, as amended, was adopted.

D. LEGAL COMMISSIONSub-Commission III - Convention on Civilians.Chairman - M. Cohen-Salvador (French Red Cross)

7th Session - August 25, 1948, at 2,30 p.m.

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Continuation of the Study of the Draft Convention on Civilians.

The Commission re-examined certain articles for which a decision was pending after the study of the amendments proposed by certain delegations.

Article 45.

Mr. COHEN (Danish Government) proposed the following addition to Article 45:

"The Occupying Power shall carry out no partial evacuation or transfer of its own population or the population of another territory under its occupation into the territory which it occupies."

After a discussion in which participated Mr. Clattenburg (U.S. Government) who considered that this section had too wide a meaning, Mr. Worshof (Canadian Government) and Mr. Pilloud (I.C.R.C.) the Commission adopted this paragraph with the following modification -

"The Occupying Power shall carry out no partial evacuation or transfer of its own civilian population into the territory which it occupies."

Mr. Worshof (Canadian Government) stated that he had abstained from voting, not because he was opposed to the idea expressed in this section but because he considered that the Conference was not competent to deal with questions of this nature, and in his opinion the aim of the Conference was not to show nations how they should conduct warfare.

Article 51.

The Countess of Limbrick (British Red Cross) stated that the amendment which she proposed had been discussed, as recommended by the Commission, with Mr. Pilloud. The text was as follows:

"Recognised National Red Cross Societies in Occupied territory shall have the right to continue activities carried out according to Red Cross principles as defined by the International Red Cross Conference."

The Occupying Power may not require any changes in the personnel or structure of the Society which would prejudice these activities."

Other voluntary societies shall be permitted to continue humanitarian and relief activities under similar conditions, provided that they refrain from any act harmful to the Occupying Power."

This amendment was adopted.

With regard to the question raised by Mr. Abut (Turkey) of the addition

B. LEGAL COMMISSIONSub-Commission III: Convention on Civilians.

8th Meeting, Thursday, August 26, 1948, at 2.30 pm.

Chairman: Mr. CAHEN-SALVADOR (France, Red Cross)

Study of Articles revised by the Drafting Committee.Article 3.

The Drafting Committee submitted the following modification of the first paragraph of Art. 3:

"The persons protected by the present Convention are those who, at a given moment and in whatever manner, find themselves, in the case of a conflict or occupation, in the hands of a Power of which they are not nationals. Furthermore, in case of a conflict not international in character, the nationals of the country where the conflict takes place, who are not covered by other international Conventions, are equally protected by the present Convention."

The Commission adopted the new wording of paragraph 1.

The Commission also agreed to the two subsequent paragraphs of the same Article which stand as in the Draft Convention.

Part II.

The Drafting Committee expressed the recommendation that Articles 11 to 23, that is the whole of Part II, should be placed at the close of the Convention on Civilians, which would possibly allow deletion of paragraph 2 of Art. 3.

The Commission agreed with the recommendation expressed by the Drafting Committee.

Article 15.

The Drafting Committee proposed the addition of the following sentence at the end of paragraph 1 of this Art. :

"Recognition of these establishments by the State shall be certified in a document made over to each of them". Further, in the English text, the word "permanent" shall be replaced by "on a permanent basis".

Paragraph 2 shall run as follows:

"In consideration of the danger incurred by hospitals by proximity to military objectives, the responsible Authorities shall see to it that they are as far away as possible."

The Commission adopted Art. 15, worded as above.

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LEGAL COMMISSION

Meeting of August 27, 1948, at 9.45 a.m.

Third Plenary Meeting

The Chairman, after announcing that the Sub-Commissions had finished their respective tasks, proposed that the Articles common to all three Conventions should be discussed in Plenary Meeting and that the Commission should then examine the items on the Agenda bearing on specifically Red Cross questions.

Mr. Sandström read out a communication from the Swiss Government Delegation addressed to the other Government Delegations. The communication recalled the fact that the duty of convening the Diplomatic Conference which will establish the texts of the revised Conventions devolves on the Swiss Government and Governments signatories of the Convention were informed of the Swiss Government's intention to send plenipotentiary Delegates to Geneva at the close of 1948 or the beginning of 1949. The Swiss Government also recalled the recommendation that a preparatory Conference of Government experts should be convened prior to this, but was aware that before deciding on the usefulness of such a preliminary meeting, the results of the present International Red Cross Conference must be awaited. The Swiss Delegation would be glad to make itself available to Government Delegations for a completely informal talk on this matter.

The Chairman then called upon Mr. Thorsson, Councillor to the International Labour Office, who is attending the Conference as an observer, to speak.

Mr. Thorsson stressed the fact that the Legal Section of the ILO had not been able to examine the Draft Revised Conventions thoroughly and expressed the hope that the Conference, in Plenary Meeting, would recommend that the International Labour Office be authorised to submit remarks concerning the points in the Convention particularly within the competency of the ILO.

Mr. Pilloud (ICRC) recalled the fact that preliminary Drafts of the revised Conventions had already been submitted to the ILO and saw no objection to that Office co-operating in drafting these Conventions.

The Chairman postponed this question till the Commission decides on procedure to be followed during Plenary Meetings of the Conference. Mr. Sandström asked the Commission's opinion regarding the principle itself of remarks to be submitted by the ILO after the Conference.

The proposal was approved.

Examination of Principles common to
all the Conventions

Mr. Sandström then took up the study of Art. 1 of the Convention and proposed first that the Drafting Committee of the Legal Commission consist of the General Reporter and the three Reporters of the Sub-Commissions. The Proposal was adopted.

XVIIème CONFÉRENCE INTERNATIONALE DE LA CROIX-ROUGE
Stockholm

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LEGAL COMMISSION

11th Plenary Session - August 27, 1948, at 6.30 p.m.

Continuation of the study of Article 119 of the Convention relative to Prisoners of War.

Amendment proposed by the American delegation -

2nd. Paragraph -

"Each Contracting Party shall be under the obligation to search for the persons alleged to be guilty of breaches of the present of the present Convention, whatever their nationality, and in accordance with its own laws or with the conventions prohibiting acts that may be considered as war crimes, to indict such persons before its own tribunals or if it prefers, to hand them over for judgment to another Contracting Party."

Amendment to the American proposal, submitted by the Netherlands delegation -

".... to hand them over for judgment to another Contracting Party or to an international court."

Professor Moll (Venezuela) considered that it was dangerous to introduce the idea of an international agency which did not exist and pressed for the maintenance of the wording of the International Committee.

After a discussion between Mr. Yangling, M. Cohen-Salvador and Commander Mouton, the American amendment was put to the vote and adopted by 21 votes to 1 and 1 abstention.

A second vote was then taken on the addition proposed by Commander Mouton "...or to an international court". The addition was rejected by 12 votes to 11.

The amendment proposed by M. Cohen-Salvador to the American wording and which would read thus -

"...or to hand them over for judgment to another Contracting Party through the intermediary of an international court," was rejected by 15 votes to 7.

An amendment submitted by the Greek delegation, modifying the end of the I.C.R.C. wording by substituting "...to a competent State" for "...to another Contracting State",

was rejected by 15 votes to 5.

The American amendment was then adopted.

Articles 43, 44, and 45 were adopted.



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Legal Commission3rd Sub-Commission: Convention for CiviliansProposal of Dr. BOIDE (France)

Addition of an article protecting transports of wounded and sick at the end of Part II of the Convention for Civilians.

"Transports of wounded and sick civilians, cripples and women in childbirth will be respected and protected in the same way as the hospitals provided for in Article 15 and will be identified by means of the Red Cross (Red Crescent, Red Lion and Sun) emblem on a white background."

"When these transports or vehicles fall into the hands of the adverse party, they will become subject to the laws of warfare, on the condition that the capturing belligerent takes charge, in all cases, of the wounded and sick being conveyed therein."

DELEGATION OF THE UNITED STATES GOVERNMENT

LEGAL COMMISSION SUBCOMMITTEE III

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CONVENTION FOR THE PROTECTION OF CIVILIANS

ARTICLE 60

The United States Government Delegation proposes the substitution of the following for the second paragraph of Article 60:

Nationals of the occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State from the consequences of an offense committed outside the occupied territory, shall not be arrested, prosecuted, convicted or deported out of the occupied territory for that offense, unless, according to the law of the occupied State, that offense would have justified extradition in time of peace.

The purpose of the paragraph is to continue the right of asylum which persons in occupied territory may have had against the occupying power up to the time of occupation. The language used, however, goes beyond the internationally recognized right of asylum and attempts to protect persons who could have been extradited under peace time extradition laws. For example, there is no reason why an ordinary criminal such as a person accused of a non-political murder or theft in a country outside the occupied territory should obtain an immunity from extradition because of the occupation.

Moreover, the present language would prevent the occupying power from prosecuting one of his own nationals who has violated its laws in the occupied territory. For example, such persons as British, United States and other nationals who had broadcasted from Berlin during the war would receive immunity.

In other words, the right of asylum extends to non-extraditable offenses committed outside the occupied territory but does not extend to (1) extraditable offenses or (2) offenses committed in the occupied territory against the occupied power. The right of asylum should be preserved but not extended by the Article.

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#96Sub-Commission III: Convention relating to Civilians.

Mr. G. CAHEN-SALVADOR, Chairman.

Report.Procedure:

The Commission decided that :

- a) Problems common to several Conventions will be discussed in plenary session of the Commission,
- b) The Sub-Commission will confine its discussion to questions of substance.
- c) The draft will be examined article by article.
- d) On motion of the Chairman, the general provisions and the final provisions will be examined by the Sub-Commission in order to ensure that due account will be taken of the special purpose of the Convention.

General Remarks:

In answer to various questions, Mr. Pilloud (ICRC expert) stated that it was impossible to make a distinction in this convention between individuals interned in enemy territory and individuals interned in occupied territory. He considered that the study of the fate of civilians in occupied territory could not be postponed.

Study of the Draft:

The Commission took up the examination of the Convention article by article.

Article 1st: Adopted.Article 2: Adopted.

Article 3: After hearing Messrs. Dugge, Clattenburg, Holmgren, Castberg, Miss Jacob, Colonel du Pasquier and the reply made by Mr. Pilloud, the Sub-Commission decided that:

Article 3 is adopted in principle, it being understood that its drafting will be more precise so as include internees in the event of civil war (proposal by Mr. Castberg).

In compliance with the decision of the Plenary Meeting, the Chairman called on Mr. Riegner, representative of the World Jewish Congress (Observer) to speak. The latter proposed that the provisions of

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COMITÉ INTERNATIONAL
DE LA
CROIX - ROUGE



GENEVA, May 26, 1948

To the National Red Cross Societies
and to Governments convened to
the Seventeenth International Red Cross Conference
Stockholm, August 1948

The International Committee of the Red Cross have
the honour to forward herewith a number of Special Reports,
which will be submitted to the Seventeenth International
Conference, on various items on the Agenda.

Further Special Reports will reach you later.

The Committee will make every possible endeavour
to issue English translations of these Reports.



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**COMITÉ INTERNATIONAL
DE LA
CROIX - ROUGE**



#98

GENEVA, May 26, 1948

To the National Red Cross Societies
and to Governments convened to
the Seventeenth International Red Cross Conference
Stockholm, August 1948

The International Committee of the Red Cross have the honour to forward herewith a number of Special Reports, which will be submitted to the Seventeenth International Conference, on various items on the Agenda.

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COMITÉ INTERNATIONAL
DE LA
CROIX-ROUGE

#99
DIVISION OF
PROTECTIVE SERVICES

JUN 11 1948

DEPARTMENT OF STATE



Geneva, June 7, 1948

To National Red Cross Societies
and to Governments
convened to the Seventeenth International
Red Cross Conference
(Stockholm, August, 1948)

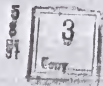
The International Committee of the Red Cross have the honour to enclose two subsidiary Reports supplementary to the General Report they are submitting to the Seventeenth International Conference on their activities during the second World War.

The enclosed documents refer (1) to the Committee's work from March 1938 to August 31, 1939 (No 5) and (2) to the Committee's activities in connection with the Spanish Civil War, June 1, 1938 to August 31, 1939 (No 6).



XVIIth INTERNATIONAL RED CROSS CONFERENCE

(Stockholm, August 1948)



LEGAL COMMISSION

Verbatim reports of meetings

December, 1948

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XVIIth INTERNATIONAL RED CROSS CONFERENCE

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(Stockholm, August 1948)

LEGAL COMMISSION

Verbatim reports of meetings

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XVIIth INTERNATIONAL RED CROSS CONFERENCE

(Stockholm, August 1948)

LEGAL COMMISSION

Verbatim reports of meetings

December, 1948

Prisoners of WarSEVENTEENTH INTERNATIONAL RED CROSS CONFERENCELegal Commission

Report of the Sub-Commission for the Study of the
Draft Convention concerning the Protection of Civilians in
Time of War

Amendments made to the Draft Convention drawn up
by the

International Committee of the Red Cross

The passages between brackets are deleted.
The passages underlined have been added.